

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 508 be amended to read as follows:

1 Page 9, between lines 28 and 29, begin a new paragraph and insert:
2 "SECTION 8. IC 22-3-3-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) ~~With respect to~~
4 ~~injuries in the following schedule occurring prior to April 1, 1951; the~~
5 ~~employee shall receive in addition to temporary total disability benefits~~
6 ~~not exceeding twenty-six (26) weeks on account of the injuries; a~~
7 ~~weekly compensation of fifty-five percent (55%) of the employee's~~
8 ~~average weekly wages. With respect to injuries in the following~~
9 ~~schedule occurring on and after April 1, 1951; and prior to July 1, 1971;~~
10 ~~the employee shall receive in addition to temporary total disability~~
11 ~~benefits not exceeding twenty-six (26) weeks on account of the injuries;~~
12 ~~a weekly compensation of sixty percent (60%) of the employee's~~
13 ~~average weekly wages. With respect to injuries in the following~~
14 ~~schedule occurring on and after July 1, 1971; and before July 1, 1977;~~
15 ~~the employee shall receive in addition to temporary total disability~~
16 ~~benefits not exceeding twenty-six (26) weeks on account of the injuries;~~
17 ~~a weekly compensation of sixty percent (60%) of the employee's~~
18 ~~average weekly wages not to exceed one hundred dollars (\$100)~~
19 ~~average weekly wages; for the periods stated for the injuries. With~~
20 ~~respect to injuries in the following schedule occurring on and after July~~
21 ~~1, 1977; and before July 1, 1979; the employee shall receive; in~~
22 ~~addition to temporary total disability benefits not exceeding twenty-six~~
23 ~~(26) weeks on account of the injury; a weekly compensation of sixty~~
24 ~~percent (60%) of his average weekly wages; not to exceed one hundred~~

1 ~~twenty-five dollars (\$125) average weekly wages, for the period stated~~
 2 ~~for the injury.~~ With respect to injuries in the ~~following~~ schedule **set**
 3 **forth in subsection (d)** occurring on and after July 1, 1979, and before
 4 July 1, 1988, the employee shall receive, in addition to temporary total
 5 disability benefits not to exceed fifty-two (52) weeks on account of the
 6 injury, a weekly compensation of sixty percent (60%) of the employee's
 7 average weekly wages, not to exceed one hundred twenty-five dollars
 8 (\$125) average weekly wages, for the period stated for the injury.

9 **(b)** With respect to injuries in the ~~following~~ schedule **set forth in**
 10 **subsection (d)** occurring on and after July 1, 1988, and before July 1,
 11 1989, the employee shall receive, in addition to temporary total
 12 disability benefits not exceeding seventy-eight (78) weeks on account
 13 of the injury, a weekly compensation of sixty percent (60%) of the
 14 employee's average weekly wages, not to exceed one hundred sixty-six
 15 dollars (\$166) average weekly wages, for the period stated for the
 16 injury.

17 **(c)** With respect to injuries in the ~~following~~ schedule **set forth in**
 18 **subsection (d)** occurring on and after July 1, 1989, and before July 1,
 19 1990, the employee shall receive, in addition to temporary total
 20 disability benefits not exceeding seventy-eight (78) weeks on account
 21 of the injury, a weekly compensation of sixty percent (60%) of the
 22 employee's average weekly wages, not to exceed one hundred
 23 eighty-three dollars (\$183) average weekly wages, for the period stated
 24 for the injury.

25 **(d)** With respect to injuries in the following schedule occurring on
 26 and after July 1, 1990, and before July 1, 1991, the employee shall
 27 receive, in addition to temporary total disability benefits not exceeding
 28 seventy-eight (78) weeks on account of the injury, a weekly
 29 compensation of sixty percent (60%) of the employee's average weekly
 30 wages, not to exceed two hundred dollars (\$200) average weekly
 31 wages, for the period stated for the injury.

32 (1) Amputation: For the loss by separation of the thumb, sixty
 33 (60) weeks, of the index finger forty (40) weeks, of the second
 34 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
 35 weeks, of the fourth or little finger twenty (20) weeks, of the hand
 36 by separation below the elbow joint two hundred (200) weeks, or
 37 the arm above the elbow two hundred fifty (250) weeks, of the big
 38 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
 39 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,
 40 of the fifth or little toe ten (10) weeks, ~~and for loss occurring~~
 41 ~~before April 1, 1959, by separation of the foot below the knee~~
 42 ~~joint one hundred fifty (150) weeks and of the leg above the knee~~
 43 ~~joint two hundred (200) weeks;~~ for loss occurring on and after
 44 April 1, 1959, by separation of the foot below the knee joint, one
 45 hundred seventy-five (175) weeks and of the leg above the knee
 46 joint two hundred twenty-five (225) weeks. The loss of more than
 47 one (1) phalange of a thumb or toes shall be considered as the loss

of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(b) With respect to injuries in the following schedule occurring prior to April 1, 1951, the employee shall receive in lieu of all other compensation on account of the injuries, a weekly compensation of fifty-five percent (55%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1951, and prior to April 1, 1955, the employee shall receive in lieu of all other compensation on account of the injuries a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1955, and prior to July 1, 1971, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after July 1, 1971, and before July 1, 1977, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred dollars (\$100) average weekly wages, for the period stated for such injuries respectively. With respect to injuries in the following schedule occurring on and after July 1, 1977, and before July 1, 1979, the employee shall receive, in addition to temporary total disability benefits not exceeding twenty-six (26)

1 weeks on account of the injury, a weekly compensation of sixty percent
 2 (60%) of the employee's average weekly wages not to exceed one
 3 hundred twenty-five dollars (\$125) average weekly wages, for the
 4 period stated for the injury.

5 (e) With respect to injuries in the following schedule set forth in
 6 subsection (h) occurring on and after July 1, 1979, and before July 1,
 7 1988, the employee shall receive, in addition to temporary total
 8 disability benefits not exceeding fifty-two (52) weeks on account of the
 9 injury, a weekly compensation of sixty percent (60%) of the employee's
 10 average weekly wages not to exceed one hundred twenty-five dollars
 11 (\$125) average weekly wages for the period stated for the injury.

12 (f) With respect to injuries in the following schedule set forth in
 13 subsection (h) occurring on and after July 1, 1988, and before July 1,
 14 1989, the employee shall receive, in addition to temporary total
 15 disability benefits not exceeding seventy-eight (78) weeks on account
 16 of the injury, a weekly compensation of sixty percent (60%) of the
 17 employee's average weekly wages, not to exceed one hundred sixty-six
 18 dollars (\$166) average weekly wages, for the period stated for the
 19 injury.

20 (g) With respect to injuries in the following schedule set forth in
 21 subsection (h) occurring on and after July 1, 1989, and before July 1,
 22 1990, the employee shall receive, in addition to temporary total
 23 disability benefits not exceeding seventy-eight (78) weeks on account
 24 of the injury, a weekly compensation of sixty percent (60%) of the
 25 employee's average weekly wages, not to exceed one hundred
 26 eighty-three dollars (\$183) average weekly wages, for the period stated
 27 for the injury.

28 (h) With respect to injuries in the following schedule occurring on
 29 and after July 1, 1990, and before July 1, 1991, the employee shall
 30 receive, in addition to temporary total disability benefits not exceeding
 31 seventy-eight (78) weeks on account of the injury, a weekly
 32 compensation of sixty percent (60%) of the employee's average weekly
 33 wages, not to exceed two hundred dollars (\$200) average weekly
 34 wages, for the period stated for the injury.

35 (1) Loss of use: The total permanent loss of the use of an arm,
 36 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
 37 as the equivalent of the loss by separation of the arm, hand,
 38 thumb, finger, leg, foot, toe, or phalange, and compensation shall
 39 be paid for the same period as for the loss thereof by separation.

40 (2) Partial loss of use: For the permanent partial loss of the use of
 41 an arm, hand, thumb, finger, leg, foot, toe, or phalange,
 42 compensation shall be paid for the proportionate loss of the use of
 43 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

44 (3) For injuries resulting in total permanent disability, five
 45 hundred (500) weeks.

46 (4) For any permanent reduction of the sight of an eye less than a
 47 total loss as specified in subsection ~~(a)(3)~~; (d)(3), compensation

shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then in such event compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses, plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(5) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection ~~(a)(4)~~, **(d)(4)**, compensation shall be paid for a period proportional to the degree of such permanent reduction.

(6) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(7) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

~~(c)~~ **(i)** With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; by separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent

- 1 impairment.
- 2 (2) Amputations: For the loss by separation of any of the body
- 3 parts described in subdivision (1) on or after July 1, 1997, and for
- 4 the loss by separation of any of the body parts described in
- 5 subdivision (3), (5), or (8), on or after July 1, 1999, the dollar
- 6 values per degree applying on the date of the injury as described
- 7 in subsection ~~(d)~~ (j) shall be multiplied by two (2). However, the
- 8 doubling provision of this subdivision does not apply to a loss of
- 9 use that is not a loss by separation.
- 10 (3) The loss of more than one (1) phalange of a thumb or toe shall
- 11 be considered as the loss of the entire thumb or toe. The loss of
- 12 more than two (2) phalanges of a finger shall be considered as the
- 13 loss of the entire finger. The loss of not more than one (1)
- 14 phalange of a thumb or toe shall be considered as the loss of
- 15 one-half (1/2) of the degrees of permanent impairment for the loss
- 16 of the entire thumb or toe. The loss of not more than one (1)
- 17 phalange of a finger shall be considered as the loss of one-third
- 18 (1/3) of the finger and compensation shall be paid for one-third
- 19 (1/3) of the degrees payable for the loss of the entire finger. The
- 20 loss of more than one (1) phalange of the finger but not more than
- 21 two (2) phalanges of the finger shall be considered as the loss of
- 22 one-half (1/2) of the finger and compensation shall be paid for
- 23 one-half (1/2) of the degrees payable for the loss of the entire
- 24 finger.
- 25 (4) For the loss by separation of both hands or both feet or the
- 26 total sight of both eyes or any two (2) such losses in the same
- 27 accident, one hundred (100) degrees of permanent impairment.
- 28 (5) For the permanent and complete loss of vision by enucleation,
- 29 thirty-five (35) degrees of permanent impairment.
- 30 (6) For the reduction of vision to one-tenth (1/10) of normal vision
- 31 with glasses, thirty-five (35) degrees of permanent impairment.
- 32 (7) For the permanent and complete loss of hearing in one (1) ear,
- 33 fifteen (15) degrees of permanent impairment, and in both ears,
- 34 forty (40) degrees of permanent impairment.
- 35 (8) For the loss of one (1) testicle, ten (10) degrees of permanent
- 36 impairment; for the loss of both testicles, thirty (30) degrees of
- 37 permanent impairment.
- 38 (9) Loss of use: The total permanent loss of the use of an arm, a
- 39 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
- 40 considered as the equivalent of the loss by separation of the arm,
- 41 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
- 42 shall be paid in the same amount as for the loss by separation.
- 43 However, the doubling provision of subdivision (2) does not apply
- 44 to a loss of use that is not a loss by separation.
- 45 (10) Partial loss of use: For the permanent partial loss of the use
- 46 of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
- 47 phalange, compensation shall be paid for the proportionate loss of

the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(11) For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(12) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection ~~(a)(3)~~, **(h)(4)**, the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(13) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection ~~(a)(4)~~, **(h)(5)**, compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(14) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(15) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

~~(d)~~ **(j)** Compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the injury determined under subsection ~~(c)~~ **(i)** and the following:

(1) With respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one

1 thousand seven hundred dollars (\$1,700) per degree.

2 (3) With respect to injuries occurring on and after July 1, 1993,
3 and before July 1, 1997, for each degree of permanent impairment
4 from one (1) to ten (10), five hundred dollars (\$500) per degree;
5 for each degree of permanent impairment from eleven (11) to
6 twenty (20), seven hundred dollars (\$700) per degree; for each
7 degree of permanent impairment from twenty-one (21) to
8 thirty-five (35), one thousand dollars (\$1,000) per degree; for each
9 degree of permanent impairment from thirty-six (36) to fifty (50),
10 one thousand four hundred dollars (\$1,400) per degree; for each
11 degree of permanent impairment above fifty (50), one thousand
12 seven hundred dollars (\$1,700) per degree.

13 (4) With respect to injuries occurring on and after July 1, 1997,
14 and before July 1, 1998, for each degree of permanent impairment
15 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
16 degree; for each degree of permanent impairment from eleven (11)
17 to thirty-five (35), one thousand dollars (\$1,000) per degree; for
18 each degree of permanent impairment from thirty-six (36) to fifty
19 (50), one thousand four hundred dollars (\$1,400) per degree; for
20 each degree of permanent impairment above fifty (50), one
21 thousand seven hundred dollars (\$1,700) per degree.

22 (5) With respect to injuries occurring on and after July 1, 1998,
23 and before July 1, 1999, for each degree of permanent impairment
24 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
25 degree; for each degree of permanent impairment from eleven (11)
26 to thirty-five (35), one thousand dollars (\$1,000) per degree; for
27 each degree of permanent impairment from thirty-six (36) to fifty
28 (50), one thousand four hundred dollars (\$1,400) per degree; for
29 each degree of permanent impairment above fifty (50), one
30 thousand seven hundred dollars (\$1,700) per degree.

31 (6) With respect to injuries occurring on and after July 1, 1999,
32 and before July 1, 2000, for each degree of permanent impairment
33 from one (1) to ten (10), nine hundred dollars (\$900) per degree;
34 for each degree of permanent impairment from eleven (11) to
35 thirty-five (35), one thousand one hundred dollars (\$1,100) per
36 degree; for each degree of permanent impairment from thirty-six
37 (36) to fifty (50), one thousand six hundred dollars (\$1,600) per
38 degree; for each degree of permanent impairment above fifty (50),
39 two thousand dollars (\$2,000) per degree.

40 (7) With respect to injuries occurring on and after July 1, 2000,
41 and before July 1, 2001, for each degree of permanent impairment
42 from one (1) to ten (10), one thousand one hundred dollars
43 (\$1,100) per degree; for each degree of permanent impairment
44 from eleven (11) to thirty-five (35), one thousand three hundred
45 dollars (\$1,300) per degree; for each degree of permanent
46 impairment from thirty-six (36) to fifty (50), two thousand dollars
47 (\$2,000) per degree; for each degree of permanent impairment

above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to injuries occurring on and after July 1, 2001, **and before July 1, 2005**, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to injuries occurring on and after July 1, 2005, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred dollars (\$1,700) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree.

~~(c)~~ **(k)** The average weekly wages used in the determination of compensation for permanent partial impairment under subsections ~~(c)~~ **(i)** and ~~(d)~~ **(j)** shall not exceed the following:

(1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, **and before July 1, 2005**, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2005, nine hundred fifty-four dollars (\$954).

SECTION 9. IC 22-3-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) In computing the compensation under this law with respect to injuries occurring on and after April 1, 1963, and prior to April 1, 1965, the average weekly wages shall be considered to be not more than seventy dollars (\$70) nor less than thirty dollars (\$30). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1965, and prior to April 1, 1967, the average weekly wages shall be considered to be not more than seventy-five dollars (\$75) and not less than thirty dollars (\$30). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1967, and prior to April 1, 1969, the average weekly wages shall be considered to be not more than eighty-five dollars (\$85) and not less than thirty-five dollars (\$35). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1969, and prior to July 1, 1971, the average weekly wages shall be considered to be not more than ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In computing the compensation under this law with respect to injuries occurring on and after July 1, 1971, and prior to July 1, 1974, the average weekly wages shall be considered to be: (A) Not more than: (1) one hundred dollars (\$100) if no dependents; (2) one hundred five dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110) if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three (3) dependents; (5) one hundred twenty dollars (\$120) if four (4) dependents; and (6) one hundred twenty-five dollars (\$125) if five (5) or more dependents; and (B) Not less than thirty-five dollars (\$35). In computing compensation for temporary total disability, temporary partial disability, and total permanent disability under this law with respect to injuries occurring on and after July 1, 1974, and before July 1, 1976, the average weekly wages shall be considered to be (A) not more than one hundred thirty-five dollars (\$135); and (B) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall in no case exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability and total permanent disability under this law with respect to injuries occurring on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be (1) not more than one hundred fifty-six dollars (\$156) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be (1) not more than one hundred eighty dollars (\$180); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable may not exceed the average weekly wages of the

employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1979; and before July 1, 1980; the average weekly wages are considered to be (1) not more than one hundred ninety-five dollars (\$195); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1980; and before July 1, 1983; the average weekly wages are considered to be (1) not more than two hundred ten dollars (\$210); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1983; and before July 1, 1984; the average weekly wages are considered to be (1) not more than two hundred thirty-four dollars (\$234) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1984; and before July 1, 1985; the average weekly wages are considered to be (1) not more than two hundred forty-nine dollars (\$249) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

- (1) not more than two hundred sixty-seven dollars (\$267); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

- (1) not more than two hundred eighty-five dollars (\$285); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect

to injuries occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

- (1) not more than three hundred eighty-four dollars (\$384); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

- (1) not more than four hundred eleven dollars (\$411); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

- (1) not more than four hundred forty-one dollars (\$441); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

- (1) not more than four hundred ninety-two dollars (\$492); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(i) In computing compensation for temporary total disability,

temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

~~(b)~~ **(j)** In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

- (1) with respect to injuries occurring on and after July 1, 1997, and before July 1, 1998:

- (A) not more than six hundred seventy-two dollars (\$672); and
- (B) not less than seventy-five dollars (\$75);

- (2) with respect to injuries occurring on and after July 1, 1998, and before July 1, 1999:

- (A) not more than seven hundred two dollars (\$702); and
- (B) not less than seventy-five dollars (\$75);

- (3) with respect to injuries occurring on and after July 1, 1999, and before July 1, 2000:

- (A) not more than seven hundred thirty-two dollars (\$732); and
- (B) not less than seventy-five dollars (\$75);

- (4) with respect to injuries occurring on and after July 1, 2000, and before July 1, 2001:

- (A) not more than seven hundred sixty-two dollars (\$762); and
- (B) not less than seventy-five dollars (\$75);

- (5) with respect to injuries occurring on and after July 1, 2001, and before July 1, 2002:

- (A) not more than eight hundred twenty-two dollars (\$822); and

- (B) not less than seventy-five dollars (\$75); ~~and~~

- (6) with respect to injuries occurring on and after July 1, 2002, **and before July 1, 2005:**

- (A) not more than eight hundred eighty-two dollars (\$882); and

- (B) not less than seventy-five dollars (\$75); **and**

- (7) with respect to injuries occurring on and after July 1, 2005:**

- (A) not more than nine hundred fifty-four dollars (\$954); and**

- (B) not less than seventy-five dollars (\$75).**

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

~~(c)~~ For the purpose of this section only and with respect to injuries occurring on and after July 1, 1971, and prior to July 1, 1974, only, the term "dependent" as used in this section shall mean persons defined as presumptive dependents under section 19 of this chapter, except that

1 such dependency shall be determined as of the date of the injury to the
2 employee:

3 (d) With respect to any injury occurring on and after April 1, 1955;
4 and prior to April 1, 1957, the maximum compensation exclusive of
5 medical benefits, which shall be paid for an injury under any provisions
6 of this law or under any combination of its provisions shall not exceed
7 twelve thousand five hundred dollars (\$12,500) in any case. With
8 respect to any injury occurring on and after April 1, 1957 and prior to
9 April 1, 1963, the maximum compensation exclusive of medical
10 benefits, which shall be paid for an injury under any provision of this
11 law or under any combination of its provisions shall not exceed fifteen
12 thousand dollars (\$15,000) in any case. With respect to any injury
13 occurring on and after April 1, 1963, and prior to April 1, 1965, the
14 maximum compensation exclusive of medical benefits, which shall be
15 paid for an injury under any provision of this law or under any
16 combination of its provisions shall not exceed sixteen thousand five
17 hundred dollars (\$16,500) in any case. With respect to any injury
18 occurring on and after April 1, 1965, and prior to April 1, 1967, the
19 maximum compensation exclusive of medical benefits which shall be
20 paid for any injury under any provision of this law or any combination
21 of provisions shall not exceed twenty thousand dollars (\$20,000) in any
22 case. With respect to any injury occurring on and after April 1, 1967,
23 and prior to July 1, 1971, the maximum compensation exclusive of
24 medical benefits which shall be paid for an injury under any provision
25 of this law or any combination of provisions shall not exceed
26 twenty-five thousand dollars (\$25,000) in any case. With respect to any
27 injury occurring on and after July 1, 1971, and prior to July 1, 1974, the
28 maximum compensation exclusive of medical benefits which shall be
29 paid for any injury under any provision of this law or any combination
30 of provisions shall not exceed thirty thousand dollars (\$30,000) in any
31 case. With respect to any injury occurring on and after July 1, 1974,
32 and before July 1, 1976, the maximum compensation exclusive of
33 medical benefits which shall be paid for an injury under any provision
34 of this law or any combination of provisions shall not exceed forty-five
35 thousand dollars (\$45,000) in any case. With respect to an injury
36 occurring on and after July 1, 1976, and before July 1, 1977, the
37 maximum compensation, exclusive of medical benefits, which shall be
38 paid for any injury under any provision of this law or any combination
39 of provisions shall not exceed fifty-two thousand dollars (\$52,000) in
40 any case. With respect to any injury occurring on and after July 1,
41 1977, and before July 1, 1979, the maximum compensation, exclusive
42 of medical benefits, which may be paid for an injury under any
43 provision of this law or any combination of provisions may not exceed
44 sixty thousand dollars (\$60,000) in any case. With respect to any injury
45 occurring on and after July 1, 1979, and before July 1, 1980, the
46 maximum compensation, exclusive of medical benefits, which may be
47 paid for an injury under any provisions of this law or any combination

of provisions may not exceed sixty-five thousand dollars (\$65,000) in any case. With respect to any injury occurring on and after July 1, 1980, and before July 1, 1983, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed seventy thousand dollars (\$70,000) in any case. With respect to any injury occurring on and after July 1, 1983, and before July 1, 1984, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed seventy-eight thousand dollars (\$78,000) in any case. With respect to any injury occurring on and after July 1, 1984, and before July 1, 1985, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-three thousand dollars (\$83,000) in any case.

(k) With respect to any injury occurring on and after July 1, 1985, and before July 1, 1986, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) With respect to any injury occurring on and after July 1, 1986, and before July 1, 1988, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.

(m) With respect to any injury occurring on and after July 1, 1988, and before July 1, 1989, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) With respect to any injury occurring on and after July 1, 1989, and before July 1, 1990, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

(o) With respect to any injury occurring on and after July 1, 1990, and before July 1, 1991, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

(p) With respect to any injury occurring on and after July 1, 1991, and before July 1, 1992, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

(q) With respect to any injury occurring on and after July 1, 1992, and before July 1, 1993, the maximum compensation, exclusive of

1 medical benefits, that may be paid for an injury under any provisions
 2 of this law or any combination of provisions may not exceed one
 3 hundred eighty thousand dollars (\$180,000) in any case.

4 **(r)** With respect to any injury occurring on and after July 1, 1993,
 5 and before July 1, 1994, the maximum compensation, exclusive of
 6 medical benefits, that may be paid for an injury under any provisions
 7 of this law or any combination of provisions may not exceed one
 8 hundred ninety-seven thousand dollars (\$197,000) in any case.

9 **(s)** With respect to any injury occurring on and after July 1, 1994,
 10 and before July 1, 1997, the maximum compensation, exclusive of
 11 medical benefits, which may be paid for an injury under any provisions
 12 of this law or any combination of provisions may not exceed two
 13 hundred fourteen thousand dollars (\$214,000) in any case.

14 ~~(e)~~ **(t)** The maximum compensation, exclusive of medical benefits,
 15 that may be paid for an injury under any provision of this law or any
 16 combination of provisions may not exceed the following amounts in
 17 any case:

18 (1) With respect to an injury occurring on and after July 1, 1997,
 19 and before July 1, 1998, two hundred twenty-four thousand
 20 dollars (\$224,000).

21 (2) With respect to an injury occurring on and after July 1, 1998,
 22 and before July 1, 1999, two hundred thirty-four thousand dollars
 23 (\$234,000).

24 (3) With respect to an injury occurring on and after July 1, 1999,
 25 and before July 1, 2000, two hundred forty-four thousand dollars
 26 (\$244,000).

27 (4) With respect to an injury occurring on and after July 1, 2000,
 28 and before July 1, 2001, two hundred fifty-four thousand dollars
 29 (\$254,000).

30 (5) With respect to an injury occurring on and after July 1, 2001,
 31 and before July 1, 2002, two hundred seventy-four thousand
 32 dollars (\$274,000).

33 (6) With respect to an injury occurring on and after July 1, 2002,
 34 **and before July 1, 2005**, two hundred ninety-four thousand
 35 dollars (\$294,000).

36 **(7) With respect to an injury occurring on and after July 1,**
 37 **2005, three hundred eighteen thousand dollars (\$318,000)."**

38 Page 21, between lines 32 and 33, begin a new paragraph and insert:

39 "SECTION 15. IC 22-3-7-16 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) Compensation
 41 shall be allowed on account of disablement from occupational disease
 42 resulting in only temporary total disability to work or temporary partial
 43 disability to work beginning with the eighth day of such disability
 44 except for the medical benefits provided for in section 17 of this
 45 chapter. Compensation shall be allowed for the first seven (7) calendar
 46 days only as provided in this section. The first weekly installment of
 47 compensation for temporary disability is due fourteen (14) days after

the disability begins. Not later than fifteen (15) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

- (1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;
- (2) the status of the investigation on the date the petition is filed;
- (3) the facts or circumstances that are necessary to make a determination; and
- (4) a timetable for the completion of the remaining investigation.

An employer who fails to comply with this section is subject to a civil penalty of fifty dollars (\$50), to be assessed and collected by the board upon notice and hearing. Civil penalties collected under this section shall be deposited in the state general fund.

(b) Once begun, temporary total disability benefits may not be terminated by the employer unless:

- (1) the employee has returned to work;
- (2) the employee has died;
- (3) the employee has refused to undergo a medical examination under section 20 of this chapter;
- (4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowable under section 19 of this chapter; or
- (5) the employee is unable or unavailable to work for reasons unrelated to the compensable disease.

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after

1 receipt of the notice of intent to terminate benefits. If the board and
 2 employer do not receive a notice of disagreement under this section, the
 3 employee's temporary total disability benefits shall be terminated. Upon
 4 receipt of the notice of disagreement, the board shall immediately
 5 contact the parties, which may be by telephone or other means and
 6 attempt to resolve the disagreement. If the board is unable to resolve the
 7 disagreement within ten (10) days of receipt of the notice of
 8 disagreement, the board shall immediately arrange for an evaluation of
 9 the employee by an independent medical examiner. The independent
 10 medical examiner shall be selected by mutual agreement of the parties
 11 or, if the parties are unable to agree, appointed by the board under
 12 IC 22-3-4-11. If the independent medical examiner determines that the
 13 employee is no longer temporarily disabled or is still temporarily
 14 disabled but can return to employment that the employer has made
 15 available to the employee, or if the employee fails or refuses to appear
 16 for examination by the independent medical examiner, temporary total
 17 disability benefits may be terminated. If either party disagrees with the
 18 opinion of the independent medical examiner, the party shall apply to
 19 the board for a hearing under section 27 of this chapter.

20 (c) An employer is not required to continue the payment of
 21 temporary total disability benefits for more than fourteen (14) days after
 22 the employer's proposed termination date unless the independent
 23 medical examiner determines that the employee is temporarily disabled
 24 and unable to return to any employment that the employer has made
 25 available to the employee.

26 (d) If it is determined that as a result of this section temporary total
 27 disability benefits were overpaid, the overpayment shall be deducted
 28 from any benefits due the employee under this section and, if there are
 29 no benefits due the employee or the benefits due the employee do not
 30 equal the amount of the overpayment, the employee shall be
 31 responsible for paying any overpayment which cannot be deducted
 32 from benefits due the employee.

33 (e) ~~For disablements occurring on and after April 1, 1951, and prior~~
 34 ~~to July 1, 1971, from occupational disease resulting in temporary total~~
 35 ~~disability for any work there shall be paid to the disabled employee~~
 36 ~~during such temporary total disability a weekly compensation equal to~~
 37 ~~sixty percent (60%) of the employee's average weekly wages for a~~
 38 ~~period not to exceed five hundred (500) weeks. Compensation shall be~~
 39 ~~allowed for the first seven (7) calendar days only if the disability~~
 40 ~~continues for longer than twenty-eight (28) days.~~

41 ~~For disablements occurring on and after July 1, 1971, and prior to~~
 42 ~~July 1, 1974, from occupational disease resulting in temporary total~~
 43 ~~disability for any work there shall be paid to the disabled employee~~
 44 ~~during such temporary total disability a weekly compensation equal to~~
 45 ~~sixty percent (60%) of the employee's average weekly wages, as~~
 46 ~~defined in section 19 of this chapter, for a period not to exceed five~~
 47 ~~hundred (500) weeks. Compensation shall be allowed for the first seven~~

(7) calendar days only if the disability continues for longer than twenty-eight (28) days.

For disablements occurring on and after July 1, 1974, and before July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's average weekly wages, up to one hundred thirty-five dollars (\$135) average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(e) For disablements occurring on and after July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during the temporary total disability weekly compensation equal to sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(f) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total disability, the later period shall be included as part of the maximum period allowed for partial disability.

For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

(f) For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial disability for work

there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which ~~he~~ **the employee** is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

(g) For disabilities occurring on and after April 1, 1951, and prior to April 1, 1955, from occupational disease in the following schedule, the employee shall receive in lieu of all other compensation, on account of such disabilities, a weekly compensation of sixty percent (60%) of the employee's average weekly wage; for disabilities occurring on and after April 1, 1955, and prior to July 1, 1971, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages.

For disabilities occurring on and after July 1, 1971, and before July 1, 1977, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly compensation of sixty percent (60%) of his average weekly wages not to exceed one hundred dollars (\$100) average weekly wages, for the period stated for such disabilities respectively.

For disabilities occurring on and after July 1, 1977, and before July 1, 1979, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of the occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.

(g) For disabilities occurring on and after July 1, 1979, and before July 1, 1988, from occupational disease in the following schedule **set forth in subsection (j)**, the employee shall receive in addition to disability benefits, not exceeding fifty-two (52) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.

(h) For disabilities occurring on and after July 1, 1988, and before July 1, 1989, from occupational disease in the following schedule **set forth in subsection (j)**, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account

of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the disabilities.

(i) For disabilities occurring on and after July 1, 1989, and before July 1, 1990, from occupational disease in the ~~following~~ schedule **set forth in subsection (j)**, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the disabilities.

(j) For disabilities occurring on and after July 1, 1990, and before July 1, 1991, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the disabilities.

(1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half (1/2) the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) Loss of Use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange and the compensation shall be paid for the same period as for the loss thereof by separation.

(3) Partial Loss of Use: For the permanent partial loss of the use

of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(4) For disablements for occupational disease resulting in total permanent disability, five hundred (500) weeks.

(5) For the loss of both hands, or both feet, or the total sight of both eyes, or any two (2) of such losses resulting from the same disablement by occupational disease, five hundred (500) weeks.

(6) For the permanent and complete loss of vision by enucleation of an eye or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(7) For the permanent and complete loss of hearing, two hundred (200) weeks.

(8) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(9) In all cases of permanent disfigurement, which may impair the future usefulness or opportunities of the employee, compensation in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this paragraph where compensation shall be payable under subdivisions (1) through (8). Where compensation for temporary total disability has been paid, this amount of compensation shall be deducted from any compensation due for permanent disfigurement.

(k) With respect to disablements in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent ($66 \frac{2}{3}\%$) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

(1) Amputation: For the loss by separation of the thumb, twelve

(12) degrees of permanent impairment; of the index finger, eight

(8) degrees of permanent impairment; of the second finger, seven

1 (7) degrees of permanent impairment; of the third or ring finger,
 2 six (6) degrees of permanent impairment; of the fourth or little
 3 finger, four (4) degrees of permanent impairment; of the hand by
 4 separation below the elbow joint, forty (40) degrees of permanent
 5 impairment; of the arm above the elbow, fifty (50) degrees of
 6 permanent impairment; of the big toe, twelve (12) degrees of
 7 permanent impairment; of the second toe, six (6) degrees of
 8 permanent impairment; of the third toe, four (4) degrees of
 9 permanent impairment; of the fourth toe, three (3) degrees of
 10 permanent impairment; of the fifth or little toe, two (2) degrees of
 11 permanent impairment; of separation of the foot below the knee
 12 joint, thirty-five (35) degrees of permanent impairment; and of the
 13 leg above the knee joint, forty-five (45) degrees of permanent
 14 impairment.

15 (2) Amputations occurring on or after July 1, 1997: For the loss
 16 by separation of any of the body parts described in subdivision (1)
 17 on or after July 1, 1997, the dollar values per degree applying on
 18 the date of the injury as described in subsection ~~(h)~~ (I) shall be
 19 multiplied by two (2). However, the doubling provision of this
 20 subdivision does not apply to a loss of use that is not a loss by
 21 separation.

22 (3) The loss of more than one (1) phalange of a thumb or toe shall
 23 be considered as the loss of the entire thumb or toe. The loss of
 24 more than two (2) phalanges of a finger shall be considered as the
 25 loss of the entire finger. The loss of not more than one (1)
 26 phalange of a thumb or toe shall be considered as the loss of
 27 one-half (1/2) of the degrees of permanent impairment for the loss
 28 of the entire thumb or toe. The loss of not more than one (1)
 29 phalange of a finger shall be considered as the loss of one-third
 30 (1/3) of the finger and compensation shall be paid for one-third
 31 (1/3) of the degrees payable for the loss of the entire finger. The
 32 loss of more than one (1) phalange of the finger but not more than
 33 two (2) phalanges of the finger shall be considered as the loss of
 34 one-half (1/2) of the finger and compensation shall be paid for
 35 one-half (1/2) of the degrees payable for the loss of the entire
 36 finger.

37 (4) For the loss by separation of both hands or both feet or the
 38 total sight of both eyes or any two (2) such losses in the same
 39 accident, one hundred (100) degrees of permanent impairment.

40 (5) For the permanent and complete loss of vision by enucleation
 41 or its reduction to one-tenth (1/10) of normal vision with glasses,
 42 thirty-five (35) degrees of permanent impairment.

43 (6) For the permanent and complete loss of hearing in one (1) ear,
 44 fifteen (15) degrees of permanent impairment, and in both ears,
 45 forty (40) degrees of permanent impairment.

46 (7) For the loss of one (1) testicle, ten (10) degrees of permanent
 47 impairment; for the loss of both testicles, thirty (30) degrees of

- 1 permanent impairment.
- 2 (8) Loss of use: The total permanent loss of the use of an arm, a
 3 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
 4 considered as the equivalent of the loss by separation of the arm,
 5 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
 6 shall be paid in the same amount as for the loss by separation.
 7 However, the doubling provision of subdivision (2) does not apply
 8 to a loss of use that is not a loss by separation.
- 9 (9) Partial loss of use: For the permanent partial loss of the use of
 10 an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
 11 phalange, compensation shall be paid for the proportionate loss of
 12 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 13 (10) For disablements resulting in total permanent disability, the
 14 amount payable for impairment or five hundred (500) weeks of
 15 compensation, whichever is greater.
- 16 (11) For any permanent reduction of the sight of an eye less than
 17 a total loss as specified in subdivision (5), the compensation shall
 18 be paid in an amount proportionate to the degree of a permanent
 19 reduction without correction or glasses. However, when a
 20 permanent reduction without correction or glasses would result in
 21 one hundred percent (100%) loss of vision, then compensation
 22 shall be paid for fifty percent (50%) of the total loss of vision
 23 without glasses, plus an additional amount equal to the
 24 proportionate amount of the reduction with glasses, not to exceed
 25 an additional fifty percent (50%).
- 26 (12) For any permanent reduction of the hearing of one (1) or both
 27 ears, less than the total loss as specified in subdivision (6),
 28 compensation shall be paid in an amount proportionate to the
 29 degree of a permanent reduction.
- 30 (13) In all other cases of permanent partial impairment,
 31 compensation proportionate to the degree of a permanent partial
 32 impairment, in the discretion of the worker's compensation board,
 33 not exceeding one hundred (100) degrees of permanent
 34 impairment.
- 35 (14) In all cases of permanent disfigurement which may impair the
 36 future usefulness or opportunities of the employee, compensation,
 37 in the discretion of the worker's compensation board, not
 38 exceeding forty (40) degrees of permanent impairment except that
 39 no compensation shall be payable under this subdivision where
 40 compensation is payable elsewhere in this section.
- 41 ~~(h)~~ (l) With respect to disablements occurring on and after July 1,
 42 1991, compensation for permanent partial impairment shall be paid
 43 according to the degree of permanent impairment for the disablement
 44 determined under subsection ~~(d)~~ (k) and the following:
- 45 (1) With respect to disablements occurring on and after July 1,
 46 1991, and before July 1, 1992, for each degree of permanent
 47 impairment from one (1) to thirty-five (35), five hundred dollars

1 (\$500) per degree; for each degree of permanent impairment from
2 thirty-six (36) to fifty (50), nine hundred dollars (\$900) per
3 degree; for each degree of permanent impairment above fifty (50),
4 one thousand five hundred dollars (\$1,500) per degree.
5 (2) With respect to disablements occurring on and after July 1,
6 1992, and before July 1, 1993, for each degree of permanent
7 impairment from one (1) to twenty (20), five hundred dollars
8 (\$500) per degree; for each degree of permanent impairment from
9 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
10 per degree; for each degree of permanent impairment from
11 thirty-six (36) to fifty (50), one thousand three hundred dollars
12 (\$1,300) per degree; for each degree of permanent impairment
13 above fifty (50), one thousand seven hundred dollars (\$1,700) per
14 degree.
15 (3) With respect to disablements occurring on and after July 1,
16 1993, and before July 1, 1997, for each degree of permanent
17 impairment from one (1) to ten (10), five hundred dollars (\$500)
18 per degree; for each degree of permanent impairment from eleven
19 (11) to twenty (20), seven hundred dollars (\$700) per degree; for
20 each degree of permanent impairment from twenty-one (21) to
21 thirty-five (35), one thousand dollars (\$1,000) per degree; for each
22 degree of permanent impairment from thirty-six (36) to fifty (50),
23 one thousand four hundred dollars (\$1,400) per degree; for each
24 degree of permanent impairment above fifty (50), one thousand
25 seven hundred dollars (\$1,700) per degree.
26 (4) With respect to disablements occurring on and after July 1,
27 1997, and before July 1, 1998, for each degree of permanent
28 impairment from one (1) to ten (10), seven hundred fifty dollars
29 (\$750) per degree; for each degree of permanent impairment from
30 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
31 degree; for each degree of permanent impairment from thirty-six
32 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
33 degree; for each degree of permanent impairment above fifty (50),
34 one thousand seven hundred dollars (\$1,700) per degree.
35 (5) With respect to disablements occurring on and after July 1,
36 1998, and before July 1, 1999, for each degree of permanent
37 impairment from one (1) to ten (10), seven hundred fifty dollars
38 (\$750) per degree; for each degree of permanent impairment from
39 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
40 degree; for each degree of permanent impairment from thirty-six
41 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
42 degree; for each degree of permanent impairment above fifty (50),
43 one thousand seven hundred dollars (\$1,700) per degree.
44 (6) With respect to disablements occurring on and after July 1,
45 1999, and before July 1, 2000, for each degree of permanent
46 impairment from one (1) to ten (10), nine hundred dollars (\$900)
47 per degree; for each degree of permanent impairment from eleven

(11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred dollars (\$2,500) per degree.

(8) With respect to disablements occurring on and after July 1, 2001, **and before July 1, 2005**, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to disablements occurring on and after July 1, 2005, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred dollars (\$1,700) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree.

~~(j)~~ **(m)** The average weekly wages used in the determination of compensation for permanent partial impairment under subsections ~~(g)~~ **(k)** and ~~(h)~~ **(l)** shall not exceed the following:

(1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to disablements occurring on or after July 1,

1 1994, and before July 1, 1997, six hundred forty-two dollars
 2 (\$642).

3 (5) With respect to disablements occurring on or after July 1,
 4 1997, and before July 1, 1998, six hundred seventy-two dollars
 5 (\$672).

6 (6) With respect to disablements occurring on or after July 1,
 7 1998, and before July 1, 1999, seven hundred two dollars (\$702).

8 (7) With respect to disablements occurring on or after July 1,
 9 1999, and before July 1, 2000, seven hundred thirty-two dollars
 10 (\$732).

11 (8) With respect to disablements occurring on or after July 1,
 12 2000, and before July 1, 2001, seven hundred sixty-two dollars
 13 (\$762).

14 (9) With respect to injuries occurring on or after July 1, 2001, and
 15 before July 1, 2002, eight hundred twenty-two dollars (\$822).

16 (10) With respect to injuries occurring on or after July 1, 2002,
 17 **and before July 1, 2005**, eight hundred eighty-two dollars (\$882).

18 **(11) With respect to injuries occurring on or after July 1,**
 19 **2005, nine hundred fifty-four dollars (\$954).**

20 ~~(j)~~ **(n)** If any employee, only partially disabled, refuses employment
 21 suitable to ~~his~~ **the employee's** capacity procured for ~~him~~, ~~he~~ **the**
 22 **employee, the employee** shall not be entitled to any compensation at
 23 any time during the continuance of such refusal unless, in the opinion
 24 of the worker's compensation board, such refusal was justifiable. The
 25 employee must be served with a notice setting forth the consequences
 26 of the refusal under this subsection. The notice must be in a form
 27 prescribed by the worker's compensation board.

28 ~~(k)~~ **(o)** If an employee has sustained a permanent impairment or
 29 disability from an accidental injury other than an occupational disease
 30 in another employment than that in which ~~he~~ **the employee** suffered a
 31 subsequent disability from an occupational disease, such as herein
 32 specified, the employee shall be entitled to compensation for the
 33 subsequent disability in the same amount as if the previous impairment
 34 or disability had not occurred. However, if the permanent impairment
 35 or disability resulting from an occupational disease for which
 36 compensation is claimed results only in the aggravation or increase of
 37 a previously sustained permanent impairment from an occupational
 38 disease or physical condition regardless of the source or cause of such
 39 previously sustained impairment from an occupational disease or
 40 physical condition, the board shall determine the extent of the
 41 previously sustained permanent impairment from an occupational
 42 disease or physical condition as well as the extent of the aggravation or
 43 increase resulting from the subsequent permanent impairment or
 44 disability, and shall award compensation only for that part of said
 45 occupational disease or physical condition resulting from the
 46 subsequent permanent impairment. An amputation of any part of the
 47 body or loss of any or all of the vision of one (1) or both eyes caused

by an occupational disease shall be considered as a permanent impairment or physical condition.

(p) If an employee suffers a disablement from occupational disease for which compensation is payable while the employee is still receiving or entitled to compensation for a previous injury by accident or disability by occupational disease in the same employment, ~~he~~ **the employee** shall not at the same time be entitled to compensation for both, unless it be for a permanent injury, such as specified in subsection (g)(1), (g)(4), (g)(5), (g)(8), or (g)(9); (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall be entitled to compensation for that disability and from the time of that disability which will cover the longest period and the largest amount payable under this chapter.

(~~m~~) (q) If an employee receives a permanent disability from occupational disease such as specified in subsection (g)(1), (g)(4), (g)(5), (g)(8), or (g)(9) (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9) after having sustained another such permanent disability in the same employment the employee shall be entitled to compensation for both such disabilities, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation and, when such previous and subsequent permanent disabilities, in combination result in total permanent disability or permanent total impairment, compensation shall be payable for such permanent total disability or impairment, but payments made for the previous disability or impairment shall be deducted from the total payment of compensation due.

(~~n~~) When an employee has been awarded or is entitled to an award of compensation for a definite period under this chapter for disability from occupational disease, which disablement occurs on and after April 1, 1951, and prior to April 1, 1963, and such employee dies from any other cause than such occupational disease, payment of the unpaid balance of such compensation, not exceeding three hundred (300) weeks, shall be made to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter, and compensation, not exceeding five hundred (500) weeks, shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter. (r) When an employee has been awarded or is entitled to an award of compensation for a definite period from an occupational disease wherein disablement occurs on and after April 1, 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter and compensation, not exceeding five hundred (500) weeks shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.

(~~o~~) (s) Any payment made by the employer to the employee during the period of the employee's disability, or to the employee's dependents,

which, by the terms of this chapter, was not due and payable when made, may, subject to the approval of the worker's compensation board, be deducted from the amount to be paid as compensation, but such deduction shall be made from the distal end of the period during which compensation must be paid, except in cases of temporary disability.

~~(p)~~ **(t)** When so provided in the compensation agreement or in the award of the worker's compensation board, compensation may be paid semimonthly, or monthly, instead of weekly.

~~(q)~~ **(u)** When the aggregate payments of compensation awarded by agreement or upon hearing to an employee or dependent under eighteen (18) years of age do not exceed one hundred dollars (\$100), the payment thereof may be made directly to such employee or dependent, except when the worker's compensation board shall order otherwise.

(v) Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars (\$100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.

~~(r)~~ **(w)** If an employee, or a dependent, is mentally incompetent, or a minor at the time when any right or privilege accrues to the employee under this chapter, the employee's guardian or trustee may, in the employee's behalf, claim and exercise such right and privilege.

~~(s)~~ **(x)** All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee. ~~himself.~~

SECTION 16. IC 22-3-7-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. ~~(a) In computing compensation for temporary total disability; temporary partial disability; and total permanent disability under this law with respect to occupational diseases occurring:~~

~~(1) on and after July 1, 1974, and before July 1, 1976, the average weekly wages shall be considered to be:~~

~~(A) not more than one hundred thirty-five dollars (\$135); and~~

~~(B) not less than seventy-five dollars (\$75);~~

~~(2) on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be:~~

~~(A) not more than one hundred fifty-six dollars (\$156); and~~

~~(B) not less than seventy-five dollars (\$75);~~

~~(3) on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be:~~

~~(A) not more than one hundred eighty dollars (\$180); and~~

~~(B) not less than seventy-five dollars (\$75);~~

(4) on and after July 1, 1979, and before July 1, 1980, the average weekly wages are considered to be:

(A) not more than one hundred ninety-five dollars (\$195); and

(B) not less than seventy-five dollars (\$75);

(5) on and after July 1, 1980, and before July 1, 1983, the average weekly wages are considered to be:

(A) not more than two hundred ten dollars (\$210); and

(B) not less than seventy-five dollars (\$75);

(6) on and after July 1, 1983, and before July 1, 1984, the average weekly wages are considered to be:

(A) not more than two hundred thirty-four dollars (\$234); and

(B) not less than seventy-five dollars (\$75); and

(7) on and after July 1, 1984, and before July 1, 1985, the average weekly wages are considered to be:

(A) not more than two hundred forty-nine dollars (\$249); and

(B) not less than seventy-five dollars (\$75).

(b) (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

(1) not more than two hundred sixty-seven dollars (\$267); and

(2) not less than seventy-five dollars (\$75).

(c) (b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

(1) not more than two hundred eighty-five dollars (\$285); and

(2) not less than seventy-five dollars (\$75).

(d) (c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

(1) not more than three hundred eighty-four dollars (\$384); and

(2) not less than seventy-five dollars (\$75).

(e) (d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

(1) not more than four hundred eleven dollars (\$411); and

(2) not less than seventy-five dollars (\$75).

(f) (e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

(1) not more than four hundred forty-one dollars (\$441); and

(2) not less than seventy-five dollars (\$75).

(g) (f) In computing compensation for temporary total disability,

temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

- (1) not more than four hundred ninety-two dollars (\$492); and
- (2) not less than seventy-five dollars (\$75).

~~(h)~~ (g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

~~(i)~~ (h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

~~(j)~~ (i) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

~~(k)~~ (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

- (1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:

- (A) not more than six hundred seventy-two dollars (\$672); and
- (B) not less than seventy-five dollars (\$75);

- (2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:

- (A) not more than seven hundred two dollars (\$702); and
- (B) not less than seventy-five dollars (\$75);

- (3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:

- (A) not more than seven hundred thirty-two dollars (\$732); and
- (B) not less than seventy-five dollars (\$75);

- (4) with respect to occupational diseases occurring on and after July 1, 2000, and before July 1, 2001:

- (A) not more than seven hundred sixty-two dollars (\$762); and
- (B) not less than seventy-five dollars (\$75);

- (5) with respect to disablements occurring on and after July 1, 2001, and before July 1, 2002:

- (A) not more than eight hundred twenty-two dollars (\$822); and

- (B) not less than seventy-five dollars (\$75); and

(6) with respect to disablements occurring on and after July 1, 2002, **and before July 1, 2005:**

(A) not more than eight hundred eighty-two dollars (\$882); and

(B) not less than seventy-five dollars (\$75); **and**

(7) with respect to disablements occurring on and after July 1, 2005:

(A) **not more than nine hundred fifty-four dollars (\$954); and**

(B) not less than seventy-five dollars (\$75).

(t) The maximum compensation that shall be paid for occupational disease and its results under any one (t) or more provisions of this chapter with respect to disability or death occurring:

(1) on and after July 1, 1974, and before July 1, 1976, shall not exceed forty-five thousand dollars (\$45,000) in any case;

(2) on and after July 1, 1976, and before July 1, 1977, shall not exceed fifty-two thousand dollars (\$52,000) in any case;

(3) on and after July 1, 1977, and before July 1, 1979, may not exceed sixty thousand dollars (\$60,000) in any case;

(4) on and after July 1, 1979, and before July 1, 1980, may not exceed sixty-five thousand dollars (\$65,000) in any case;

(5) on and after July 1, 1980, and before July 1, 1983, may not exceed seventy thousand dollars (\$70,000) in any case;

(6) on and after July 1, 1983, and before July 1, 1984, may not exceed seventy-eight thousand dollars (\$78,000) in any case; and

(7) on and after July 1, 1984, and before July 1, 1985, may not exceed eighty-three thousand dollars (\$83,000) in any case.

~~(m)~~ (k) The maximum compensation with respect to disability or death occurring on and after July 1, 1985, and before July 1, 1986, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) The maximum compensation with respect to disability or death occurring on and after July 1, 1986, and before July 1, 1988, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.

(m) The maximum compensation with respect to disability or death occurring on and after July 1, 1988, and before July 1, 1989, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) The maximum compensation with respect to disability or death occurring on and after July 1, 1989, and before July 1, 1990, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one

1 hundred thirty-seven thousand dollars (\$137,000) in any case.

2 (o) The maximum compensation with respect to disability or death
3 occurring on and after July 1, 1990, and before July 1, 1991, that shall
4 be paid for occupational disease and the results thereof under this
5 chapter or under any combination of its provisions may not exceed one
6 hundred forty-seven thousand dollars (\$147,000) in any case.

7 (p) The maximum compensation with respect to disability or death
8 occurring on and after July 1, 1991, and before July 1, 1992, that shall
9 be paid for occupational disease and the results thereof under this
10 chapter or under any combination of the provisions of this chapter may
11 not exceed one hundred sixty-four thousand dollars (\$164,000) in any
12 case.

13 (q) The maximum compensation with respect to disability or death
14 occurring on and after July 1, 1992, and before July 1, 1993, that shall
15 be paid for occupational disease and the results thereof under this
16 chapter or under any combination of the provisions of this chapter may
17 not exceed one hundred eighty thousand dollars (\$180,000) in any case.

18 (r) The maximum compensation with respect to disability or death
19 occurring on and after July 1, 1993, and before July 1, 1994, that shall
20 be paid for occupational disease and the results thereof under this
21 chapter or under any combination of the provisions of this chapter may
22 not exceed one hundred ninety-seven thousand dollars (\$197,000) in
23 any case.

24 (s) The maximum compensation with respect to disability or death
25 occurring on and after July 1, 1994, and before July 1, 1997, that shall
26 be paid for occupational disease and the results thereof under this
27 chapter or under any combination of the provisions of this chapter may
28 not exceed two hundred fourteen thousand dollars (\$214,000) in any
29 case.

30 (t) The maximum compensation that shall be paid for occupational
31 disease and the results of an occupational disease under this chapter or
32 under any combination of the provisions of this chapter may not exceed
33 the following amounts in any case:

34 (1) With respect to disability or death occurring on and after July
35 1, 1997, and before July 1, 1998, two hundred twenty-four
36 thousand dollars (\$224,000).

37 (2) With respect to disability or death occurring on and after July
38 1, 1998, and before July 1, 1999, two hundred thirty-four
39 thousand dollars (\$234,000).

40 (3) With respect to disability or death occurring on and after July
41 1, 1999, and before July 1, 2000, two hundred forty-four thousand
42 dollars (\$244,000).

43 (4) With respect to disability or death occurring on and after July
44 1, 2000, and before July 1, 2001, two hundred fifty-four thousand
45 dollars (\$254,000).

46 (5) With respect to disability or death occurring on and after July
47 1, 2001, and before July 1, 2002, two hundred seventy-four

1 thousand dollars (\$274,000).

2 (6) With respect to disability or death occurring on and after July
3 1, 2002, **and before July 1, 2005**, two hundred ninety-four
4 thousand dollars (\$294,000).

5 **(7) With respect to disability or death occurring on and after**
6 **July 1, 2005, three hundred eighteen thousand dollars**
7 **(\$318,000).**

8 (u) For all disabilities occurring before July 1, 1985, "average
9 weekly wages" shall mean the earnings of the injured employee in the
10 employment in which the employee was working at the time of the last
11 exposure during the period of fifty-two (52) weeks immediately
12 preceding the last day of the last exposure divided by fifty-two (52). If
13 the employee lost seven (7) or more calendar days during the period;
14 although not in the same week; then the earnings for the remainder of
15 the fifty-two (52) weeks shall be divided by the number of weeks and
16 parts thereof remaining after the time lost has been deducted. Where the
17 employment prior to the last day of the last exposure extended over a
18 period of less than fifty-two (52) weeks; the method of dividing the
19 earnings during that period by the number of weeks and parts thereof
20 during which the employee earned wages shall be followed if results
21 just and fair to both parties will be obtained. Where by reason of the
22 shortness of the time during which the employee has been in the
23 employment of the employer or of the casual nature or terms of the
24 employment it is impracticable to compute the average weekly wages
25 as above defined; regard shall be had to the average weekly amount
26 which, during the fifty-two (52) weeks previous to the last day of the
27 last exposure, was being earned by a person in the same grade
28 employed at the same work by the same employer; or if there is no
29 person so employed; by a person in the same grade employed in that
30 same class of employment in the same district. Whenever allowances
31 of any character are made to an employee in lieu of wages or a
32 specified part of the wage contract; they shall be deemed a part of the
33 employee's earnings.

34 (v) (u) For all disabilities occurring on and after July 1, 1985,
35 "average weekly wages" means the earnings of the injured employee
36 during the period of fifty-two (52) weeks immediately preceding the
37 disability divided by fifty-two (52). If the employee lost seven (7) or
38 more calendar days during the period, although not in the same week,
39 then the earnings for the remainder of the fifty-two (52) weeks shall be
40 divided by the number of weeks and parts of weeks remaining after the
41 time lost has been deducted. If employment before the date of disability
42 extended over a period of less than fifty-two (52) weeks, the method of
43 dividing the earnings during that period by the number of weeks and
44 parts of weeks during which the employee earned wages shall be
45 followed if results just and fair to both parties will be obtained. If by
46 reason of the shortness of the time during which the employee has been
47 in the employment of the employer or of the casual nature or terms of

1 the employment it is impracticable to compute the average weekly
2 wages for the employee, the employee's average weekly wages shall be
3 considered to be the average weekly amount that, during the fifty-two
4 (52) weeks before the date of disability, was being earned by a person
5 in the same grade employed at the same work by the same employer or,
6 if there is no person so employed, by a person in the same grade
7 employed in that same class of employment in the same district.
8 Whenever allowances of any character are made to an employee instead
9 of wages or a specified part of the wage contract, they shall be
10 considered a part of the employee's earnings.

11 ~~(w)~~ (v) The provisions of this article may not be construed to result
12 in an award of benefits in which the number of weeks paid or to be paid
13 for temporary total disability, temporary partial disability, or permanent
14 total disability benefits combined exceeds five hundred (500) weeks.
15 This section shall not be construed to prevent a person from applying
16 for an award under IC 22-3-3-13. However, in case of permanent total
17 disability resulting from a disablement occurring on or after January 1,
18 1998, the minimum total benefit shall not be less than seventy-five
19 thousand dollars (\$75,000).".

20 Renumber all SECTIONS consecutively.

(Reference is to ESB 508 as printed March 25, 2005.)

Representative Stilwell